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Reply to Melville, NY

October 18, 2024

VIA ECF AND EMAIL

([HellersteinNYSDCChambers@nysd.uscourts.gov](mailto:HellersteinNYSDCChambers@nysd.uscourts.gov))

Hon. Alvin K. Hellerstein  
United States District Court  
500 Pearl Street  
New York, New York 10007

*Boarded. The hearing  
is adjourned to Nov. 6, 2024  
at 2:30 pm. 10-21-24  
Alvin Hellerstein*

**Re: Primo No. 1 In Produce, Inc. v. J.D.B. Market Corp.;**  
**Case No. 24-cv-7383 (AKH); Status Report and Request for Adjournment**

Dear Judge Hellerstein:

We are the attorneys for plaintiffs in the above-referenced matter and submit this status report pursuant to your Honor's Scheduling Order dated October 10, 2024 (Docket No. 18) (the "Order"). By this letter, the parties also jointly move the Court for a further adjournment of the hearing on plaintiffs' motion for a temporary restraining order.


Pursuant to the Order, the parties advise the court that all plaintiffs are represented by my firm. All defendants are represented by Richard A. Kaplin with the firm of Diconza, Larocca, DiCunto and Kaplin LLP, 478 Bay Ridge Parkway, Brooklyn, New York 11209. Mr. Kaplin has just been retained by defendants and intends to file a notice of appearance in this case later today.

In light of defendants' recent retention of counsel, Mr. Kaplin's need to review the documents in this case, and the parties' desire to engage in informal settlement discussions, the parties respectfully jointly request a two-week adjournment of the October 22, 2024 hearing. This is the parties' second request for an adjournment. The first adjournment was requested in Court to allow defendants to retain counsel. This second request is for the reasons enumerated above. No dates in this case will be affected by the requested adjournment.

Hon. Alvin K. Hellerstein  
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Thank you for your attention to this matter.

Sincerely,  
McCarron & Diess

By:   
\_\_\_\_\_  
Gregory Brown

cc.: Plaintiffs  
Richard A. Kaplin (via email: [rkaplin@dldklaw.com](mailto:rkaplin@dldklaw.com))